

Air Pollution Control Board
RULES UPDATE
September 5, 2007

RULEMAKINGS IN PROGRESS:

Indiana Mercury Rule. Draft rule preliminarily adopted May 2, 2007; noticed for final adoption on October 3, 2007. Rulemaking to reduce mercury emissions from coal-fired power plants. The deadline for submitting a state plan that meets the CAMR reduction goals to U.S. EPA was November 17, 2006. The proposed Federal Plan gave a May 31, 2007 due date for submitting an allocation methodology to U.S. EPA for approval. U.S. EPA is currently planning to sign the final federal plan at the end of 2007 with an option for states to submit a stand-alone allocation methodology by March 2008. Indiana's mercury rule is scheduled for final adoption on October 3, 2007.

Best Available Retrofit Technology (BART). Draft rule preliminarily adopted on June 6, 2007; noticed for final adoption on October 3, 2007.

On July 6, 2005, U.S. EPA published the BART guidelines in the Federal Register (70 FR 39104). These guidelines are a component of the Regional Haze regulations, published on July 1, 1999, that are intended to protect and improve visibility in national parks and wilderness areas.

The Regional Haze rule requires IDEM to submit a SIP to address visibility impairment in federally-protected parks and wilderness areas (Class I areas). To meet this requirement, IDEM must evaluate whether certain emission units within affected industries adversely impact visibility in Class I areas. Although there are no Class I areas in Indiana, there are several in the region that may be affected by emissions from Indiana sources. The BART guidelines provide the mechanism for complying with the requirement to address visibility impairment in Class I areas. IDEM is obligated to submit the regional haze SIP by December 17, 2007, including a commitment that BART will be implemented in accordance with the federal guidelines.

Reformatting of 326 IAC 1-4-1. Section 8 Notice published August 1, 2007; noticed for adoption on October 3, 2007. Would amend 326 IAC 1-4-1 by deleting the reference to 40 CFR 81.315 which incorporates by reference the attainment status designations applicable to Indiana and adding a full text incorporation of the attainment status designations for sulfur dioxide (SO₂), carbon monoxide (CO), ozone, particulate matter (PM₁₀), nitrogen dioxide (NO₂) and lead (Pb) applicable to Indiana on a county by county basis in a table format. Particulate matter limits for PM_{2.5} will be added in a separate rulemaking. Includes redesignations of Clark, Floyd, Elkhart, LaPorte and St Joseph Counties for the 8-hour ozone standard.

2007 Annual Update to "References to the Code of Federal Regulations. Section 8 Notice published July 25, 2007; noticed for adoption on October 3, 2007. Would amend 326 IAC 1-1-3 to mean the 2007 edition of the Code of Federal Regulations that covers the time period from July 1, 2006 to June 30, 2007.

PM_{2.5} Designations. Second Notice in process. Would amend 326 IAC 1-4-1 to include counties designated by U.S.EPA as nonattainment for the particulate matter 2.5 national ambient air quality standards. This rulemaking is on hold pending the outcome of IDEM's legal challenge of EPA's PM_{2.5} designations.

Permit Fees. Second Notice in process. Would amend 326 IAC 2-1.1-7, 326 IAC 2-7, 326 IAC 2-8, 326 IAC 2-9, 326 IAC 2-12 and 326 IAC 2-13 to reflect Title V permit fee increases affirmed by the board and to propose increases for non-Title V fees. This rule would also clarify and reformat fee information and propose other fee-related changes.

Permit Review Timeframes. Second Notice in process. First Notice published April 18, 2007. Would amend 326 IAC 2-6.1-7 to provide additional time to IDEM to review and process MSOP renewals.

Article 2 Fixup Rule. First Notice published July 18, 2007; second notice in process. Would make amendments to rules at 326 IAC 2 concerning air permits. The amendments would include adding definitions, correcting citations, resolving inconsistencies, removing unnecessary language, addressing issues that have been identified as deficiencies by U.S. EPA or that need clarification or corrections for new source review reform rules, and Title V rules.

Permitting Rules Applicable to Grain Elevators and Grain Processing Sources. First Notice published October 11, 2006; comment period ended: November 13, 2006. Would propose to amend 326 IAC 2-9-6, the source specific operating agreement applicable to grain elevators, and amend 326 IAC 2-11-3 and 326 IAC 2-11-4, permits by rule for specific source categories, applicable to grain elevators and grain processing or milling sources. The mineral/soybean application rate in 326 IAC 2-9 would be reduced to 0.02% to conform to FDA requirements. Another issue being addressed is the potential use of updated emission factors to recalculate permit thresholds and how those recalculated thresholds will affect permitting requirements for grain elevators and grain processing or milling operations.

Compliance Monitoring Rule. Meeting with stakeholders held March 15, 2007. First Notice published in the December 1, 2005, Indiana Register. Addresses certain testing requirements for peaking units, corrects deficiencies identified by U.S. EPA to obtain federal approval and makes various corrections and clarifications, including: adding federal definitions as needed; clarifying the quality assurance requirements that apply to flow monitors and reinstating requirements for reporting malfunctions of continuous monitoring equipment; referencing source sampling procedures conducted under 40 CFR 61; adding substantive requirements for source testing to demonstrate compliance with the PM₁₀ limit; and removes obsolete language and other corrections for consistency and clarification.

Outdoor Hydronic Heaters (Wood Boilers). The Environmental Quality Services Council (EQSC) was directed by the Indiana General Assembly to study the issue and to make recommendations on the regulation of outdoor hydronic heaters. The General Assembly's directive postponed the outdoor hydronic heater rulemaking that was initiated December 15, 2005. The EQSC independently studied the issue and recommended that the rulemaking not resume until the Environmental Protection Agency (EPA) issues model state regulations. On January 29, 2007, EPA announced a Phase 1 Voluntary Program for Outdoor Wood-fired Hydronic Heaters (outdoor wood boilers) in conjunction with a NESCAUM Model Rule to address emissions from outdoor wood boilers/outdoor wood-fired hydronic heaters. EPA expects that this approach will achieve emissions reductions from outdoor hydronic heaters sooner than would be realized if EPA developed a federal rule. IDEM is developing a Second Notice based on the model rule.

Mittal Steel. Second Notice published August 8, 2007; scheduled for preliminary adoption on October 3, 2007. Would amend 326 IAC 6-6-5 concerning ISG Burns Harbor LLC / Mittal Steel USA Burns Harbor's (Mittal Steel Burns Harbor) fugitive particulate matter emission control plan, and 326 IAC 7-4-14, concerning sulfur dioxide (SO₂) emission limits for Mittal Steel Burns Harbor's blast furnace flare.

Amendments to 326 IAC 6.5 and 326 IAC 6.8 to Add Work Practice Standards for Specific Industry Sectors. First Notice published July 25, 2007. Would add work practice standards as a means to determine compliance to the particulate matter rules at 326 IAC 6.5 and 326 IAC 6.8.

A number of rules agreed to by the Lake Michigan Air Directors Consortium to reduce ozone in the region, including:

Organic Solvent Degreasing Operations. First Notice published June 27, 2007. Would extend the applicability of 326 IAC 8-3-8, material requirements for cold cleaning degreasers, to all users, providers, and manufacturers of solvents for use in cold cleaning degreasers (except for solvents intended to be used to clean electronic components) statewide.

Amendments to the Auto Refinishing Rule. First Notice published December 27, 2006; Continuation of First Notice published on June 6, 2007. The existing automobile refinishing rule at 326 IAC 8-10 applies to automobile refinishing operations performed in Clark, Floyd, Lake and Porter Counties in the following types of shops: auto body and repair shops; new car dealer repair and paint shops; fleet operator repair and paint shops; and any other facility that coats vehicles under Standard Industrial Classification (SIC) Code 7532, as well as manufacturers and distributors of automobile refinishing coatings. Besides VOC content limits, 326 IAC 8-10 also includes work practice standards and training requirements. Would amend 326 IAC 8-10 to extend applicability of auto refinishing rule statewide. Also considering adding more stringent VOC limits for certain coatings and streamlining and clarifying the rule as needed.

Architectural and Industrial Maintenance (AIM) Coatings. First Notice published January 10, 2007. Would add a new rule with state-wide applicability to limit VOC emissions from AIM coatings. Architectural and industrial maintenance coatings are coatings needed for essential public services, such as bridges, and industrial facilities, such as storage tanks.

Consumer and Commercial Products. First Notice published June 27, 2007. Would add a new rule with state-wide applicability to limit VOC emissions from consumer and commercial products. Consumer products are generally products used by retail customers for personal, household or automotive use.

Portable Fuel Containers. First Notice published February 21, 2007. Would add a new rule with state-wide applicability to limit emissions of VOCs and hazardous air pollutants from portable fuel containers (PFCs) or gas cans. Portable fuel containers are used to refuel a broad range of small off-road engines and equipment. Final federal rule published in the Federal Register on February 26, 2007, which may make the state rule unnecessary.

State I Vapor Recovery. First Notice published June 27, 2007; second notice in process. Would amend 326 IAC 8-4-1. Stage I vapor recovery is required statewide at all gasoline dispensing facilities with a monthly gasoline throughput of 10,000 gallons per month or greater and which have been installed after July 1, 1989. Stage I vapor recovery requirements are implemented under 326 IAC 8-4-6 and require the use of a submerged fill pipe to minimize the creation of vapors and the connection of a vapor balance system between the tank and transport that allows gasoline vapors from the underground storage tank to be displaced back to the tank truck during loading.

IDEM estimates that rules requiring submerged loading and vapor balancing achieve a 90% reduction in VOC emissions versus uncontrolled underground storage tank loading. Currently, virtually all gasoline dispensing facilities in Indiana with monthly gasoline throughputs of less than 10,000 gallons per month already meet current stage I vapor recovery requirements. In order for IDEM to accurately document VOC reductions from facilities using stage I vapor recovery but which were installed prior to July 1, 1989, this rulemaking will amend 326 IAC 8-4-1 to remove the applicability date of July 1, 1989. This rulemaking will not affect Indiana's requirements for stage II vapor recovery which apply in Clark, Floyd, Lake and Porter Counties.

Amendments to 326 IAC 8-1-6, new facilities; general reduction requirements. First Notice in process. Would amend 326 IAC 8-1-6 to provide that existing sources subject to the boat manufacturing NESHAP (326 IAC 20-48) or the reinforced plastics composites production NESHAP (326 IAC 20-56) are exempt from previous best available control technology (BACT) determinations under 326 IAC 8-1-6.

Updates to the Asbestos and Lead-Based Paint Programs. First Notice published January 1, 2006. Would amend 326 IAC 14-10, 326 IAC 18 and 326 IAC 23 to clarify and standardize the application, notification, and licensing procedures for the asbestos and lead-based paint programs.